

being fermented; and, Section 402 (b) (2), an article containing less soluble solids than pancake sirup had been substituted for pancake sirup.

Both products. Misbranding, Section 403 (e) (2), the articles failed to bear labels containing accurate statements of the quantity of the contents. (The products were short-volume.)

DISPOSITION: June 13, 1947. No claimant having appeared, judgments were entered ordering both products destroyed.

12469. Adulteration of sirup. U. S. v. 145 Cartons * * *. (F. D. C. No. 21757. Sample No. 32178-H.)

LIBEL FILED: November 21, 1946, Southern District of California.

ALLEGED SHIPMENT: On or about September 13, 1946, by the Peninsula Distributing Co., from Bremerton, Wash.

PRODUCT: 145 cartons, each containing 24 1-pint jars, of sirup at Los Angeles, Calif. Examination showed that the product was undergoing fermentation.

LABEL, IN PART: "Mission Chimes Strawberry Waffle & Hot Cake Syrup California Fruit Chimes Co. San Gabriel, Calif."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

DISPOSITION: February 28, 1947. No claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

12470. Misbranding of sirup. U. S. v. 20 Cases * * *. (F. D. C. No. 23718. Sample No. 4442-K.)

LIBEL FILED: September 25, 1947, District of New Hampshire.

ALLEGED SHIPMENT: On or about April 29, 1947, by the Harman Products Co., from Bushwick, N. Y.

PRODUCT: 20 cases, each containing 24 16-ounce bottles, of sirup at Manchester, N. H.

LABEL, IN PART: "Maplekist Syrup Contents 16 Fluid Oz."

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a dilute solution of water, sugar or sugars, gums, artificial flavor, and benzoate of soda, containing less sugars than are contained in maple sirup, had been substituted for maple sirup, which the article purported to be, since it had the appearance and a slight flavor of maple sirup, and the name "Maplekist" suggested that the article was maple sirup.

Misbranding, Section 403 (a), the label designation "Maplekist Syrup" was misleading; and, Section 403 (e) (2), the product failed to bear a label containing an accurate statement of the quantity of the contents. (The bottles contained less than the amount declared.)

DISPOSITION: December 15, 1947. Default decree of condemnation. The product was ordered delivered to a public institution.

DAIRY PRODUCTS

BUTTER

The following cases report actions involving butter that consisted in whole or in part of filthy or decomposed substances, Nos. 12471 to 12480; that was below the legal standard for milk fat content, Nos. 12481 to 12488; and that was short of the declared weight, No. 12488.

12471. Adulteration of butter and process cheese. U. S. v. Frank Pilley & Sons, Inc., and Frank E. Pilley, Jr., Mark A. Pilley, Jacob W. Teubel, William Christianson, and Scott J. Davis. Pleas of guilty. Corporation fined \$1,600 and costs; individual defendants each fined \$40. (F. D. C. No. 22028. Sample Nos. 3299-H, 3300-H, 51443-H to 51446-H, incl., 51555-H, 51580-H, 63800-H, 64802-H.)

INFORMATION FILED: April 29, 1947, Northern District of Iowa, against Frank Pilley & Sons, Inc., Sioux City, Iowa, and Frank E. Pilley, Jr., president of the corporation, Mark A. Pilley, vice president, and Jacob W. Teubel, William Christianson, and Scott J. Davis.

ALLEGED SHIPMENT: Between the approximate dates of August 27 and October 8, 1946, from the State of Iowa into the States of Maryland, New York, and South Dakota.

LABEL, IN PART: "Butter," or "Pilley's Pasteurized Process Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the products consisted in whole or in part of filthy substances by reason of the presence of insect fragments, setae, mites, rodent hair fragments, manure fragments, feather fragments, metal and paint fragments, nondescript dirt, and cow hair; and, Section 402 (a) (4), they had been prepared and packed under insanitary conditions whereby they may have become contaminated with filth.

DISPOSITION: August 27, 1947. Pleas of guilty having been entered on behalf of the defendants, the corporation was fined \$1,600 and costs, and each of the other five defendants was fined \$40.

12472. Adulteration of butter. U. S. v. 8 Boxes (400 pounds) * * *. (F. D. C. No. 23830. Sample No. 83161-H.)

LIBEL FILED: August 19, 1947, Eastern District of Kentucky.

ALLEGED SHIPMENT: On or about August 15, 1947, by French-Bauer, Inc., from Cincinnati, Ohio.

PRODUCT: 8 boxes, each containing 50 1-pound cartons, of butter at Covington, Ky.

LABEL, IN PART: (Carton) "Quarters One Pound Net Weight Clover Blossom Brand Creamery Butter."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a decomposed substance, since it was made from decomposed cream, as evidenced by a high mold mycelia count.

DISPOSITION: September 25, 1947. French-Bauer, Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law, under the supervision of the Food and Drug Administration. The product was converted into salvage fat for technical use.

12473. Adulteration of butter. U. S. v. 69 Cartons (approximately 4,554 pounds) * * *. (F. D. C. No. 23677. Sample No. 76963-H.)

LIBEL FILED: August 19, 1947, Southern District of New York.

ALLEGED SHIPMENT: On or about August 5, 1947, by Langenfeld Bros. Produce Co., Watertown, S. Dak.

PRODUCT: 69 cartons, each containing approximately 66 pounds, of butter at New York, N. Y. Examination showed that the product contained whole insects, insect fragments, mites, moth scales, feather barbules, rodent hairs, manure fragments, sand, dirt, plant matter, and metal.

LABEL, IN PART: "Creamery * * * George Wittner & Co., Inc. 622 New York."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: November 7, 1947. George Wittner & Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be denatured for use as soap stock, under the supervision of the Food and Drug Administration.

12474. Adulteration of butter. U. S. v. 30 Cartons (approximately 944 pounds) * * *. (F. D. C. No. 23825. Sample Nos. 84883-H, 84884-H, 84918-H.)

LIBEL FILED: August 28, 1947, Western District of New York.

ALLEGED SHIPMENT: On or about July 23 and August 2, 1947, by Langenfeld Bros. Produce Co., Watertown, S. Dak., and Midwest Dairies Dispatch, Minneapolis, Minn.

PRODUCT: 29 cartons, each containing approximately 32 1-pound prints, and 1 carton, containing 16 1-pound prints, of butter at Buffalo, N. Y. The product had been shipped in bulk cubes weighing approximately 64 pounds and was printed by the consignee.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance (Samples contained insect and rodent filth, foreign matter, and manure fragments.); and, Section 402 (a) (4), it